

**ZB# 87-17**

**Bryant Harris**

**67-1-4**

#87-17

Harris, Bryant - Lot area - 2 lots

Plum:  
Apr. 13, 1987

App. disbursed  
on 4/12/87, + on  
4/27/87.

Notice to Sequester  
on 4/27/87. ✓

~~Fees Paid~~

~~Journal Dec.~~

Variances  
for lots 1 & 2  
Granted  
on 5/11/87

## General Receipt

9010

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

June 10 19 87

Received of

Bryant Harris

\$ 50<sup>00</sup>/<sub>100</sub>

Fifty and 00/100

DOLLARS

For

Z.B.A. Subdivision fee 87-17

DISTRIBUTION

FUND	CODE	AMOUNT
Check # 50.00		
# 274		

By

Pauline P. Tarnan

Tarnan Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

BRYANT HARRIS

DECISION GRANTING  
AREA VARIANCES

#87-17.

-----X

WHEREAS, BRYANT HARRIS, of Box 525, Riley Road, Vails Gate, New York 12584, has made application before the Zoning Board of Appeals for area variances for purposes of construction of two (2) one-family residential dwellings on Dean Hill Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 11th day of May, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, Bryant Harris, appeared in behalf of himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct two (2) residential dwellings on Dean Hill Road in an R-3 zone with insufficient lot area on Lots #1 and #2.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicants will encounter practical difficulty if the variances requested are not granted due to the fact that applicant cannot obtain any additional property within which to construct residential dwelling.

2. The requested variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

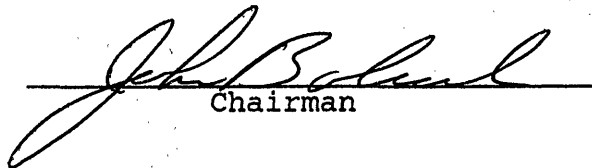
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT lot area variances of 9,911 s.f. for Lot #1 and 9,911 s.f. for Lot #2 for purposes of construction of two (2) residential dwellings in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 8, 1987.

  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

27

April 21, 1987

Mr. Bryant Harris  
PO Box 525  
Vails Gate, NY 12584

Re: 67-1-2.2 Dean Hill Road

Dear Mr. Harris:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

CHRISTIAN E. JAHRLING, IAO  
SOLE ASSESSOR

CEJ/cp  
Attachments

Purdy, Frank D. &  
Townsend, Dwight M. &  
Husted, James C.  
R.D. 2; Box 108  
Newburgh, NY 12550

Wygant, Charles Kenneth & Catherine E.  
R.D. 2 - Riley Road  
New Windsor, NY 12550

Windsor Heights Inc.  
14 Fenmore Drive  
Wappinger Falls, NY 12590

Mandato, Frank A. & Barbara J.  
R.D. 2 - Riley Road  
New Windsor, NY 12550

Brandon, Alfred & Barbara J.  
P.O. Box 922  
Vails Gate, NY 12584

Fitzpatrick, Richard P. & Marie  
R.D. 2 - Riley Road, Box 168  
New Windsor, NY 12550

Sweeney, Leslie M. & Elizabeth P.  
373 Undercliff Ave.  
Edgewater, NJ 07020

Reed, Harvey & Ruby  
PO Box 185  
Vails Gate, NY 12584

Dantas, Allen & Kitty  
590 Little Britain Road  
New Windsor, NY 12550

Gerow, Walter L. &  
Corliss, Mary G. &  
Petrone, Michael  
531 Main St.  
Roosevelt Island, NY 10044

Lamica, Gary & Therese  
c/o Smith  
16 Lake St.  
Highland Falls, NY 10928

Omat Inc.  
RD 1, Box 673 D  
Monroe, NY 10950

Churchill, Charlotte S.  
Apt. MD  
505 East 14th Street  
New York, NY 10009

Wilson, Sam & Carrie  
2 Riley Road  
New Windsor, NY 12550

Peterson, Alton & Alice  
RD 2 Riley Road  
New Windsor, NY 12550

Gatto, Anthony J. & Eileen K.  
RD 2, Box 267A Riley Road  
New Windsor, NY 12550

Gatto, Anthony Jr. & Dolores  
RD 2 Riley Road  
New Windsor, NY 12550

Barasky, David & Helen  
RD 2 Riley Road  
New Windsor, NY 12550

Mula, Alice Mary  
Box 282  
Vails Gate, NY 12584

Cirelli, Ursula &  
Foster, Patricia  
66 Forge Hill Gardens  
New Windsor, NY 12550

Gambino, Rose Marie  
Box 271 Birch Drive & Riley Road  
New Windsor, NY 12550

DeClemente, Sam  
PO Box 571  
Vails Gate, NY 12584

McCarthy, Paul & Donna  
167 Riley Road  
New Windsor, NY 12550

Stahl, Andrew A. Jr.  
Box 166 Riley Road  
New Windsor, NY 12550

Maceli, Mae  
RD 2 Riley Road  
New Windsor, NY 12550

Watkins, Linda  
166 Riley Road  
New Windsor, NY 12550

Miele, Onofilio  
25 Seven Lakes Road  
Sloatsburg, NY 10974



OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, N.Y.

*Prelim.*

*4/13/87. -*

*7:30 p.m.*

*87-17*

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 86-85

Date March 30, 1987

To: Harris, Bryant - Sub.

Rep: Patrick T. Kennedy, LS

335 Temple Hill Road, New Windsor, N.Y.

*Zone:*

PLEASE TAKE NOTICE that your application dated Nov. 6, 1986  
for (Subdivision - Site Plan)  
located at North side of Dean Hill Road

is returned herewith and disapproved for the following reasons.

Minimum Lot Area

Henry F. Scheible, v.p.

Planning Board Chairman

Requirements

	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>32, 780 S.F.</u>	Lot 1 - <u>22,869 S.F.</u>	<u>9,911 S.F.</u>
Min. Lot Width	Lot 2 - <u>22,869 S.F.</u>	<u>9,911 S.F.</u>
Req'd Front Yd.		

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATIONFile No. 86-85Date March 30, 1987To: Harris, Bryant - Sub.Rep: Patrick T. Kennedy, LS335 Temple Hill Road, New Windsor, N.Y.*Zone:*

PLEASE TAKE NOTICE that your application dated Nov. 6, 1986  
for (Subdivision - Site Plan) \_\_\_\_\_  
located at North side of Dean Hill Road

is returned herewith and disapproved for the following reasons.

Minimum Lot Area

Henry F. Scheible, v.p.

Planning Board Chairman

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>32, 780 S.F.</u>	Lot 1 - <u>22,869 S.F.</u>	<u>9,911 S.F.</u>
Min. Lot Width _____	Lot 2 - <u>22,869 S.F.</u>	<u>9,911 S.F.</u>
Req'd Front Yd. _____	_____	_____
Req'd. Side Yd. _____	_____	_____
Req'd. Rear Yd. _____	_____	_____
Req'd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential Districts only

\*\* Non-residential Districts only



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

*Rec'd ZBA  
4/2/87.*

1 April 1987

## MEMORANDUM

TO: JACK BABCOCK, CHAIRMAN, ZONING BOARD OF APPEALS  
FROM: HENRY SCHEIBLE, CHAIRMAN, PLANNING BOARD  
SUBJECT: HARRIS SUBDIVISION (NWPB# 86-85) DEAN HILL ROAD

Please be advised that the subject project was reviewed at the 25 March 1987 Planning Board Meeting and received a negative vote of the Board. Due to the fact that the zoning changed since the Applicant's purchase of the property and based on our review of the proposed subdivision, the Board wishes to advise you that our initial impression is that the plan would be acceptable if a variance is granted.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 87-17

Date: \_\_\_\_\_

I. ✓ Applicant Information:

- (a) Bryant Harris, P.O. Box 525, Vails Gate N.Y. 564-6089  
(Name, address and phone of Applicant) (Owner)
- (b) Bryant Harris, P.O. Box 525, Riley Rd. Vails Gate N.Y. 564-6089  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-3 Dean Hill Road, New Windsor NY 67-1-4 1.050 Acres  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-3
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? yes - 1/2/68
- (e) Has property been subdivided previously? NO When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? NO When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

- (b) ~~The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.~~

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bk. Regs., Col. C.

Requirements	Proposed or Available	Variance Request
✓ Min. Lot Area <u>32,780 s.f.</u>	<u>Lot #1 = 22,869 s.f.</u> <u>2 = 22,869 s.f.</u>	<u>Lot #1 = 9,911 s.f.</u> <u>2 = 9,911 s.f.</u>
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

\* Residential Districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Due to a change in the Bulk Regs. on lot area, Applicant no longer has enough lot area to utilize his property as zoned at the time of the hearing. Applicant feels that he meets the practical difficulty test.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

---

---

---

---

---

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

---

---

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the use and structures proposed for the special permit.

---

---

---

---

---

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

---

---

---

---

---

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.  
☒ Copy of tax map showing adjacent properties.  
☒ Copy of contract of sale, lease or franchise agreement.  
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.  
☒ Copy(ies) of sign(s) with dimensions.  
☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.  
☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

*B. J. Harris*  
(Applicant)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

5/11/87 Public Hearing: Harris, Bryant

Name:                      Address:

Todd Nelson Esq.  
attn: Richard

Marie Fitzpatrick

David Barash

Helen Barashky

M. PETRONE (OMAT)

Bryant Harris

Karl Kullberg

Diabe, Sommers et al  
POB 1479, NYC

269 Riley Road

269 Ruffey Rd.

RD1, Box 673 D - MONROE, NY 12950

P.O. Box 525 Vails Gate N.Y.

Box 282 VAILS GATE, N.Y.



INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE THE ZBA - 5/11/87

DATE: May 5, 1987

Please be advised that the following public hearing will be heard before the Zoning Board of Appeals on the above date:

BRYANT HARRIS - area variances

I have attached hereto copies of the pertinent application together with public hearing notice which were published in The Sentinel.

Patricia A. Barnhart, Secretary  
Zoning Board of Appeals

/pab

Attachments

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 17

Request of Bryant Harris

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Local Law to

permit subdivision of property and creation  
of lots of insufficient area for building purposes;  
being a VARIANCE ~~SPECIAL PERMIT~~ of

Section #48-12-Table of Use/Bulk Regs. - Col. C.

for property situated as follows:

Dean Hill Road - New Windsor, N.Y.

Section 67, Block 1, Lot 4

SAID HEARING will take place on the 11<sup>th</sup> day of  
May, 1987, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

Jack Babcock  
Chairman